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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/960,755	10/29/97	JOHNSON	JJ000001

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LM61/0219

EXAMINER
KAZIMI, H

ART UNIT	PAPER NUMBER
2765	3

DATE MAILED: 02/19/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/960,755

Applicant(s)

Johnson

Examiner

Hani Kazimi

Group Art Unit

2765

☒ Responsive to communication(s) filed on Oct 29, 907

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-32 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. (SUBSTITUTE)

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. This application has been reviewed. Original claims 1-32 are pending. The objections, and rejections cited are as stated below:

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claims 1, 2, 22, and 31 recite in the limitations " said service recipient's health care data records ", and " said portable individual information device ". There is insufficient antecedent basis for these limitations in the claims.

Claims 22, and 31 recite in the limitations " said entire system ", " said components ", and " said individual information device ". There is insufficient antecedent basis for these limitations in the claims. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

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rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

6. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings, Jr. US Pat. No. 5,301,105 in view of Pitroda US Pat. No. 5,590,038.

Claims 1, 2, 15-20, 22, and 31, Cummings teaches an integrated health care method and system, implemented using any of the Internet or a local area network (abstract, fig. 1, and column 4, lines 4-29), the system comprising:

at least one central host computer system for maintaining, consolidating, and distributing information generated by any component of said system (fig. 1, element 10);

at least one of a remote, single provider, or networked provider terminal in communication with said central host computer (fig. 1, elements 11a, 24a, 27, and 28);

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a card reader, linked to said remote, single provider, or networked provider terminal, for accessing information stored on an individual information device, and for transmitting information among an individual information device and any of components of said system (column 7, lines 8-38);

a messaging module for providing messaging services to a component of said system (fig. 1, element 15, and column 4, lines 22-30);

wherein a service recipient's health care data records are stored on any of said central host computer, or said terminal (fig. 1, and column 4, lines 30 thru column 5, line 8),

wherein said central host computer, and said terminal, are electronically linked as a network, to permit information distribution to various locations on said network (fig. 1, and column 5, line 61 thru column 6, line 12);

wherein open standards are used for hardware, software, and firmware components of said system (fig. 1, and column 4, lines 4-62).

Cummings fails to teach the use of a portable terminal in communication with said central host computer, wherein said portable terminal is operable to communicate with an entire system or any portion of said system, or is operable independently from said system; and

at least one portable integrated circuit card for accessing said system, wherein a portable individual information device stores any of an individual service recipient's insurance information, emergency records, and health care history.

Pitroda teaches the use of a portable terminal in communication with said central host computer, wherein said portable terminal is operable to communicate with an entire system or any

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portion of said system, or is operable independently from said system (column 2, line 44 thru column 3, line 33); and

at least one portable integrated circuit card for accessing said system, wherein a portable individual information device stores any of an individual service recipient's insurance information, emergency records, and health care history (fig. 1, fig. 20, fig. 31, and column 17, lines 26-37).

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to modify the system of Cummings to include a portable terminal in communication with said central host computer, and at least one portable integrated circuit card for accessing said system, wherein a portable individual information device stores any of an individual service recipient's insurance information, emergency records, and health care history, because portable cards enhance health care efficiency and reduce overhead costs.

Claims 3-8, and 23, Cummings teaches a medical insurer module for supporting any of plan definition, open enrollment marketing features, automated authorization of benefits, automated referrals, and service payment accounting (column 4, line 53 thru column 6, line 2, and column 8, lines 1-14, and column 12, line 60 thru column 13, line 24);

a health plan sponsor module, said health plan sponsor module supporting any of open enrollment processes, maintaining benefit plan information, and coordinating distribution and deactivation of individual information devices (column 4, line 53 thru column 6, line 2);

a health care service provider module, said health care service provider module supports any of maintaining service recipient records, diagnostic and treatment support, service payment

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management, accounting services, and maintaining service provider records, including licensing information, staffing affiliations, organizational ownership information, tax identification information, curriculum vitae of licensed practitioners, and well as information regarding disciplinary actions (column 4, line 53 thru column 6, line 43);

Both Cummings and Pitroda fail to teach a health care research module, said health care research module supporting the collection of data on said system for research and analysis of health care issues; and a service support module, said service support module supporting any of service parameter maintenance, product support, customer requests, and system maintenance.

Official notice is taken that health care research module, said health care research module supporting the collection of data on said system for research and analysis of health care issues; and a service support module, said service support module supporting any of service parameter maintenance, product support, customer requests, and system maintenance are old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to implement the system of Cummings to use a health care research module, and a service support module, because these type of modules provide a user friendly system.

Claims 9, and 24, Cummings fails to teach an integrated statistical analysis software package linked to said system for providing statistical analysis of said information stored in said system.

Pitroda teaches an integrated statistical analysis software package linked to said system for

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providing statistical analysis of said information stored in said system (column 12, lines 7-16).

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to implement the system of Cummings to use an integrated statistical analysis software package for providing statistical analysis of information stored in the system, because it provide a more efficient and user friendly system.

Claims 10, and 25, Cummings teaches a billing module for calculating billing information for a service provided to said service recipient (fig. 6, element 140, and column 12, lines 22-32).

Claims 11, and 26, Cummings teaches an insurance benefits module for calculating available insurance benefits for a service provided to said service recipient (fig. 6, element 140, and column 12, lines 22-32).

Claims 12, and 27, Cummings teaches a payment module for electronically transferring funds to pay a bill for services provided to said service recipient (fig. 1, element 27, and column 5, line 61 thru column 6, line 2).

Claims 13, and 28, Cummings teaches an authorization module for authorizing service recipient treatment (column 8, line 55 thru column 9, line 38).

Claims 14, and 29, Cummings teaches a centralized host computer system is one of a



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computer, or a network of linked computers having at least one central server (fig. 1, element 10, and column 4, lines 4-29).

Claims 21, 30, and 32, both Cummings and Pitroda teach a system which provides access to government, and benefit information (Pitroda, fig. 31).

Both Cummings and Pitroda fail to explicitly teach a system which provides access to any of Social Security, annuity, and retirement account.

Official notice is taken that a system which provides access to any of Social Security, annuity, and retirement account is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to modify the system of Cummings to include a system which provides access to any of Social Security, annuity, and retirement account, because it provides more information which leads to a more comprehensive health care system.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) van Remortel et al. US Patent 5,136,502 Aug. 4, 1992.
- b) Tarter et al. US Patent 5,704,044 Dec. 30, 1997.
- c) Crane US Patent 5,748,907 May 5, 1998.
- d) McCartney US Patent 5,778,345 Jul. 7, 1998.

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e) Ballantyne et al. US Patent 5,867,821 Feb. 2, 1999.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hani.Kazimi.

February 12, 1999



ERIC W. STAMBER  
PRIMARY EXAMINER